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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/580,515

10/30/2006

Bei Wang

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05/11/2010

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

HOANG, SON T

ART UNIT

PAPER NUMBER

2165

MAIL DATE

DELIVERY MODE

05/11/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/580,515	Applicant(s) WANG ET AL.	
	Examiner SON T. HOANG	Art Unit 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-40 is/are pending in the application.
- 4a) Of the above claim(s) 31-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. In view of the appeal brief filed on 12 April 2010, PROSECUTION IS HEREBY REOPENED.

To avoid abandonment of the application, Appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Neveen Abel-Jalil/
Supervisory Patent Examiner, Art Unit 2165

Response to Amendment

2. This communication is in response to the amendment filed on July 10, 2009.

Claims 1-25 are canceled.

Claims 31-40 are withdrawn.

Claim 26 is amended.

Claims 26-30 are pending.

Response to Arguments

3. Applicant's arguments with respect to the 35 U.S.C. 103(a) rejections of the pending claims have been considered and are persuasive. However, the claims are rejected in view of a new ground of rejections presented hereon and is made Final since the claims were amended on 7/10/2009 prior to previous action being made final.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 26-30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Mercer et al. (*Pub. No. US 2004/0078382, filed on October 17, 2002; hereinafter Mercer*) in view of Yamauchi et al. (*Pub. No. US 2002/0106196, filed on March 14, 2002; hereinafter Yamauchi*).

Regarding **claim 26**, Mercer clearly shows and discloses an optical storage medium (*Figure 1, #110*), comprising:

a plurality of content object files including a plurality of data types having a plurality of data formats (*organizing files in various formats on a disk, [0098]*) for playback on a data processing system appropriate for playback of at least one data format (*the media player also has at least one media type that the media player is capable of rendering, [0071]*);

an application layer including a generic logic format having a data structure in which the content object files are stored on the optical storage medium (*Fig. 10*); and

wherein said generic logic format (*compressed media format, [0085]*) comprises:

at least two content object files, wherein the data format of at least two of the content object files is different (*the compressed media format defines a logical format for organizing media files which include audio, still images, and video media files in various format, [0085]*);

at least one object definition file associated with each content object file, the at least one object definition file being written in a meta-language and describing the data type and data format in one of said at least two content object files (*Figure 7 shows structure of CONTENTS.HTM, [0086]*). *The*

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CONTENTS.HMT file contains information about all the media files present on the medium, [0115] and Table 8 in [0093]); and

an index file being written in a meta-language and including a table of contents having a reference to one of the at least two content object files (Figure 7 shows the structure of the MENU.HMT file. Such MENU.HTM file contains multiple menu header, each menu header comprises a playlist field, which stores a reference to one or more media files, and a summary field, [0071]).

Mercer does not explicitly disclose a physical layer directly linked to a physical character of the optical storage medium, wherein the application layer is separate from said physical layer.

However, Yamauchi discloses a physical layer directly linked to a physical character of the optical storage medium, wherein the application layer is separate from said physical layer (Figure 5B).

It would have been obvious to an ordinary person skilled in the art at the time of the invention was made to incorporate the teachings of Yamauchi with the teachings of Mercer for the purpose of recording video information which includes video data, audio data, and image data onto an optical disk ([0002] of Yamauchi).

Regarding **claim 27**, Mercer further discloses the meta-language includes one of the following: Extensible Markup Language (XML), Synchronized

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Multimedia Integrated Language (SMIL), and a custom-defined meta-language (*CONTENTS.HMT*, *nnnnnnnn.HMT*, *MENU.HMT*, and *TEXT.HMT*, [0115]).

Regarding **claim 28**, Mercer further disclose:

the application layer further comprises a plurality of content objects file each containing a different data type (*exemplary compressed media format of the invention encompasses audio, still images, and video media files 1004 in various formats*, [0098]),

a corresponding plurality of object definition files each defining the data type in the corresponding content object file (*Figure 7 shows structure of CONTENTS.HTM*, [0086]), and

a presentation file, the presentation file including presentation definitions of the content object files to be played (*playlist is a convenient way to organize groups of audio, video, and image files on a computer-readable medium. The playlist may include, but is not limited to, one or more of the following: a media file, a group of audio files, a group of video files, a group of timed image sequences, and a group of various complex parallel combinations of images with audio or video*, [0034]).

Regarding **claim 29**, Mercer further discloses the application layer further comprises a file system (*compressed media format for use with the invention*

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defines a logical format for organizing compressed media files 1004 in a file system 1006 on computer-readable media 1008 such as optical discs, [0098]).

Regarding **claim 30**, Mercer further discloses the playlist definition file is written in a meta language (*There is one file for each playlist on the medium called `nnnnnnnn.HMT` where nnnnnnnn is a hexadecimal playlist file identifier. These playlist files are created in a `PLAYLIST` subdirectory, [0115] and FIG. A1).*

Conclusion

6. Applicant's amendment as of July 10, 2009 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

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the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Son T. Hoang whose telephone number is (571) 270-1752. The Examiner can normally be reached on Monday – Friday (7:00 AM – 4:00 PM).

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Neveen Abel-Jalil can be reached on (571) 272-4074. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. T. H./

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Examiner, Art Unit 2165

May 5, 2010

/Neveen Abel-Jalil/

Supervisory Patent Examiner, Art Unit 2165